

FARMINGTON CITY COUNCIL MEETING

May 20, 2014

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Cory Ritz and Jim Young, City Manager Dave Millheim, Development Director David Petersen, Associate Planner Eric Anderson, Attorney Jody Burnett and Recording Secretary Cynthia DeCoursey. Council Member Brigham Mellor joined the meeting via telephone.

Zoning Map Amendment – Ben Leaver Office Site

The City sold this property to **Ben Leaver**, who plans to build a dental office with a parking lot. The City will maintain the remaining strip of property.

The Haws Companies (THC) Zone Change, PMP, Development Agreement and Zone Text Change Applications

Mayor Talbot thanked staff for their efforts on this complicated project and explained that each of the four sections would be discussed separately with the public hearing to follow. Attorney **Jody Burnett** complimented staff for clearing the agenda to focus on this project and said he worked with THC and their counsel to resolve as many issues as possible.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Cory Ritz and Jim Young, City Manager Dave Millheim, Development Director David Petersen, Associate Planner Eric Anderson, and Recording Secretary Cynthia DeCoursey. Council Member Brigham Mellor joined a portion of the meeting via telephone, but when the connection became inadequate, he was excused from the remainder of the meeting.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by **Mayor Talbot** and **Cory Ritz** led the Pledge of Allegiance.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary for Planning Commission meeting held February 6, 2014

- Item #5, a site plan and conditional use permit for a contractor yard was approved;
- Item #7 was removed from the agenda;
- Item #9 was continued;
- Item #10 - Request to amend the Zoning Ordinance by modifying the definition of adaptive reuse to include certain commercial uses was denied.

The Planning Commission (PC) recommended approval of:

- Item #3 – Final Plat (Farmington Hollow & The Cottages – Conservation Subdivisions);
- Item #4 – Request for a zone change on property at 1450 N and 1075 W;
- Item #6 – Request to modify Chapter 18 (Mixed Use Districts) regarding assisted living;
- Item #8 – Request to modify the definition of flag lots in the Subdivision Ordinance.
- Item #11 – THC’s sign package proposal with two pylon signs 55’ from grade.

PUBLIC HEARINGS:

Zoning Map Amendment – Ben Leaver Office Site

David Petersen explained that the City purchased this property to construct a second fire station, but following the widening and realignment of US 89, it became a difficult piece to develop for that use. The City negotiated a contract with **Ben Leaver** to purchase the property and construct a dental office, and a portion of the property needs to be rezoned from LR (Large Residential) to R-4 for a parking lot.

Public Hearing:

Mayor Talbot opened the Public Hearing at 7:12 p.m.

Gary Oscarson, 1106 Front Nine Way, asked how tall the building will be and if it will block his view of the mountains. Staff said the building height will be slightly higher than the existing buildings.

Mayor Talbot closed the Public Hearing at 7:14 p.m.

Motion:

John Bilton made a motion to rezone the subject property from LS to R-4. The motion was seconded by **Cory Ritz** and unanimously approved.

Findings:

1. The proposed rezone is consistent with the General Plan.
2. It is beneficial to the City to sell the property, and it will allow Dr. Leaver the highest and best use of the property.
3. The intended commercial use makes sense in this location—it is on the General Plan as such and is near existing office space.

The Haws Companies (THC) Zone Change, PMP, Development Agreement and Zone Text Change Applications

II. Zone change

THC is requesting the rezoning of 16.19 acres north of Burke Lane and west of the Union Pacific Railroad right-of-way from A to OMU and 21.56 acres west of Station Parkway and north

Park Lane from A to GMU. The PC recommended that the area along Shepard Creek be zoned OS (Open Space) with a width of not less than 50 feet on each side of the center line.

Scott Harwood, 33 S Shadow Breeze Road, Kaysville, of THC introduced their legal counsel, architect, engineer and YESCO representative who were all available for comments and/or questions.

Jason Nelsen, 3748 Evergreen Drive, Pleasant View, legal counsel for THC, said they are in agreement with rezoning the two parcels and open space area along Shepard Creek.

II. PMP

Because there are overlapping PMPs in this development, staff is recommending that the applicant complete and/or resolve the following issues:

Items 1, 2, and 3: These three items deal with previous agreements and the narrative needs to match what the City intends to do when they are consolidated. Attorney **Jody Burnett**, 257 E 200 S, Salt Lake City, said the City will characterize this as a supplemental development agreement which amends the Park Lane Commons Agreement for Parcels A and B.

Items 4 and 5: Staff would like the graphic portions of the PMP to be updated to include building/footprints which meet current City ordinances (in this case to show the buildings fronting Grand Avenue) rather than dashed lines.

Item 6: THC is proposing an amendment to the Regulating Plan—they want to move the street to the property line they share the Evans family. The Evans family would like further study of how it will affect their property as a whole.

Item 7: Comments by the City Engineer were included (as advised by the City Attorney).

Item 8: The Planning Commission recommended removing Attachment 5, removing the sign package from the PMP, and requiring road cross sections to be reviewed at development plan rather than PMP.

Jason Nelsen confirmed the following (in behalf of THC):

Items 1, 2, and 3: The narrative has been fixed, and they agree with the City.

Items 4 and 5: THC is confused by the request to show more detail because no buildings are required to be shown on the map. The drawings show a concept of the potential layout, and THC understands that when the site plan review takes place they will have to abide by City ordinances.

Item 6: Many of the modifications have already been made.

Item 7: Consulting civil engineer for THC, **Coury Morris**, spoke with the City Engineer to address the following:

7b: Great Basin would like to study the City's overall water master plan to have a better idea of what will happen. THC is not proposing any improvements down Red Barn Lane, and the City Engineer is willing to table the item.

7c: Any of the new connections into Shepard Creek will have some sort of hydrodynamic separation to clean the water prior to discharging into the Creek (required by both the City and Davis County). Existing connections may also need to be addressed.

7e-j: The infrastructure is in place at the Grand Avenue/Station Parkway intersection, and THC has engaged a traffic engineer to monitor the situation as development progresses.

7k-o: These pertain to detention of the entire 72-acre parcel. Great Basin developed five different areas for a storm water study (based on natural topography and existing improvements) in order to quantify what will be needed for the entire development.

Item 8 and 9: All of these are fine, but THC would like approval simultaneously with the PMP.

III. Section 114 – Alternative Development Standards/Development Agreement

David Petersen reported that the developer is proposing the following 8 deviations from the Zoning Ordinance and a ninth alternative proposed by the Planning Commission/Staff:

1. *Signage Package* – Staff is recommending two tower signs adjacent to I-15 and 70' above freeway grade. **Jason Nelsen** pointed out a misleading comment in the staff report which refers to a 40-foot pylon sign height limit, but that standard is applicable in Zones C, C-H and C-R and not in the Mixed-Use districts.
2. *Grand Avenue North* – Staff is recommending disapproval of THC's request for building locations/improvements as shown on the PMP Site Plan (Parcels A & B) because it does not encourage pedestrian activity. **Jason Nelsen** said they do not agree—from a legal and planning perspective the plan is consistent with the City Ordinance.
3. *Grand Avenue South* – Staff is recommending approval of THC's request to improve the frontage of Parcels E & H with horizontal hardscape, landscape or parking improvements on an interim basis until vertical improvements are constructed. **Jason Nelsen** said it is important that this request not be conditioned to development plan review and compliance with the City Ordinance.
4. *Regulating Plan Amendment* – Staff is recommending approval for THC's request that Market Street (which travels right through the middle of Parcel E) be moved to travel down the edge of Parcel E and be split 50-50 between THC and E&H Land (Evans) property.
5. *Parking Density* – Staff is recommending approval for THC's request that the minimum parking spaces for a fast food and/or drive-in restaurant be 12 parking spaces per 1000 square feet of floor area and for assisted living at 0.5 spaces per unit.
6. *Drive-up Windows* – Staff is recommending approval for a request of a special use of up to 2 drive-up window establishments. **Jason Nelsen** said this is specific to the TMU area and is specified in the Development Agreement.

7. *Site Plan Review* – Staff is recommending approval for THC’s request that the applications be reviewed and approved exclusively by the City Planner/Zoning Administrator.
8. *Building Orientation* – Staff is recommending approval of THC’s request that, except for Grand Avenue, commercial retail buildings may “back” onto Park Lane, Station Park and other streets as illustrated on the PMP.
9. *Staff Request* – Explore the possibility of not including the PMP as an exhibit to the Development Agreement. **Jason Nelsen** said this is the first time they have heard this request by the City, and THC is fine with items 4, 5, 7, and 8.

The Council took a recess from 8:25 p.m. to 8:35 p.m.

IV. Regulating Plan Amendment – Zone Text Change

The Planning Commission recommended approval of this item, and THC agreed.

Public Hearing:

Mayor Talbot opened the Public Hearing at 8:40 p.m.

Jon Memmott, 240 S 200 W, was a District Court Judge in the early 1990s when Davis County had 200 drug cases per year—5 years later there were 1500 drug felony charges per year. He was very concerned and accompanied the task force on a drug bust near Somerset Park—100 yards from his house—which involved two boys in the neighborhood. He became dedicated to helping youth change their lives. **Rich Haws** plans to donate property for transitional housing which is critical as these youth search for jobs and stability. The value of one life is more important than anything else.

Wendy Rasmussen, 1233 W 175 S, is concerned that too many signs will make the area look junky, but she would rather have taller signs near the freeway than signs in the interior of the project. She thinks there should be as many reviews of the site plans as possible, and she was disappointed that no signs were posted on the property regarding this public hearing.

Bob Murri, 513 Greystone Avenue, served on the Farmington Trails Committee for 5 years and was Chairman of the Planning Commission for one year so he understands the process for making big decisions. He was impressed with the organization of the City Council meeting and the collaboration between the City and THC. He feels this project will be a good thing for the City.

Gary Blau, Area Real Estate Manager for McDonalds, said McDonalds does not serve fast food but convenience food, and they want to provide quality, speed and value for their customers. 70% of McDonald’s business in Davis County is from drive-through traffic, and they have worked very hard to make this a nice place and soften the visual impact.

Brad Miles, 1018 W Atherton Dr, Taylorsville, Western States Lodging & Development, provides independent living for the senior population. Most of their projects are located in Utah (with two facilities in Davis County). Farmington needs a first-class senior community, and this project will be a great asset. Some cities allow senior centers in commercial zones, but some do

not. Their facilities provide a good transition area from commercial to residential because they do not need the higher visibility. Access to the trail and stream is extremely important to them.

Spencer Tibbitts, 2127 N 2400 W, Clinton, is the regional manager of Park Lane Village. He represents residents and future residents, and the most common question is “When will the development happen?” It is very important to the residents, and the mothers and children want to play and eat at McDonalds.

Jeff Krantz, YESCO, 4139 Mt. Olympus Way, Salt Lake City, said they have created a design that will work well for this development. The signs are open and airy with LED illumination which means a less bulky sign.

Earl Kemp, 1383 W Fairway Circle, said it is critical for the City to approve this project. He lives just across the freeway from this site, and several years ago Farmington had no revenue. Revenue protects property owners. He has been a developer for more than 40 years, and commercial activity around Station Park and will ensure its success.

Mayor Talbot closed the Public Hearing at 9:05 p.m.

John Bilton said the applicant has asked for 8 standards to be altered, and it is the Council’s responsibility to decide whether or not they are appropriate for this development to use section 114 of the code if public benefit is received.

Cory Ritz said he is fine with flexibility within the code if it makes sense. He asked staff if signs were posted on the property for this public hearing and was told no signs were posted. He asked the applicant to be as illustrative as possible with regard to the dashed lines. He likes the sign proposal and thanked THC for listening and moving the signs to the freeway.

Jim Young said no one wants a proliferation of signs, but he supports the 70-foot height which will affect the marketing of the project. He expressed gratitude to the PC, SPARC, THC and staff for working together to solve these issues and is optimistic that the project will move forward.

Doug Anderson asked THC to address the use of the triangular shaped property, and **Jason Nelsen** said it is a plaza space with seating and landscaping which will provide safe passage to the various businesses. They have tried to make this corner beautiful and mitigate the drive-thru risks, and the McDonalds franchisee will be motivated to maintain the landscaping because of its high visibility.

Motion:

Cory Ritz made a motion to table action on these issues until the June 3, 2014 City Council Meeting. **Jim Young** seconded the motion which was unanimously approved.

SUMMARY ACTION

Summary Action List

1. Approval of Minutes from May 6, 2014
2. Westwood Cove Subdivision Improvements Agreement

3. Public Works Building Expansion Agreement
4. Park Lane Waterline Reconstruction Project
5. 450 South Sidewalk Improvements
6. Resolution amending Chapter 9 of the Personnel Policies and Procedures
7. Kaysville Boundary Adjustment

Motion:

Jim Young made a motion to approve the items on the Summary Action List with several amendments to the Minutes as discussed in the work session. **Doug Anderson** seconded the motion which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The April Police and Fire Monthly Activity Reports were included in the staff report.
- When the Charter School purchased property from the City they agreed to install a portion of the public improvements. **Neil Miller** would like to hold off getting the fields built adjacent to their fields because the grades may not match, and it may have to be redone.
- Staff would like to send the staff reports electronically and plan to pursue using tablets.

Mayor – Jim Talbot

- The Miss Farmington Pageant was fabulous—13 young women participated, and **Kenzley Hess** is the new Miss Farmington.
- He asked each Council Member to choose which Festival Days events they will be able to attend and that everyone attend Saturday's events.
- He and his wife plan to ride with the City Council in the parade, and he spoke with **Sid Young** regarding the availability of a fire engine.
- The Davis School Board held a closed meeting tonight to discuss the \$1 million donation for a shared gym.
- He thanked **Jim Young** for being willing to attend the Memorial Day program and introduce **Congressman Stewart**.
- He would like to schedule a joint meeting with the Planning Commission for training purposes..

City Council

Cory Ritz:

- The traffic on Glover Lane and 650 W was horrendous during the soccer games, and he asked staff to find out if Forza (soccer club) is in compliance with City regulations and for more police enforcement in the area.
- Many residents have commented on the proposed gym and why the City plans to spend several million dollars for a facility that will only be used during certain times of the year. **Dave Millheim** said the City does not have enough money to do either project unless the DSD steps up. He is hopeful that the Council will back the funding proposal because the entire amount will be spent on recreation programs, and he knows the Parks Director needs to provide more information regarding uses for the gym.
- He asked staff to make an official recommendation to the Police Chief to determine which areas should have a lower speed limit posted.
- He cannot attend the June 3rd meeting but would like to participate via telephone.

CLOSED SESSION

Motion:

At 10:20 p.m. **Cory Ritz** made a motion for the Council to go into a closed meeting to discuss the character and competence of an individual. The motion was seconded by **John Bilton** and unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Jim Talbot, Mayor

Motion:

At 11:10 p.m. a motion to reconvene into an open meeting was made by **John Bilton**. The motion was seconded by **Doug Anderson** and unanimously approved.

ADJOURNMENT

Motion:

Cory Ritz made a motion to adjourn the meeting. The motion was seconded by **Jim Young** and unanimously approved, and the meeting was adjourned at 11:10 p.m.

Farmington City Corporation